

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID FRANKLIN et al.,

Plaintiffs,

-against-

CITY OF NEW YORK et al.,

Defendants.

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1:20-cv-3815 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from Plaintiffs requesting that the Court exempt this case from Local Rules 83.10 [ECF #19]. Plaintiffs do not argue that this case presents special circumstances that require exemption from Local Civil Rule 83.10. Rather, they generally object to the Local Civil Rule 83.10 procedures and argue that those procedures should be changed in light of the repeal of New York Civil Rights Law Section 50-a. Defendants oppose Plaintiffs' request to exempt this case from Local Civil Rule 83.10 [ECF #20].

Section 50-a was not binding on federal courts when the statute was in effect, *see, e.g., Mercado v. Div. of N.Y. State Police*, 96-cv-235, 989 F. Supp. 521, 522 (S.D.N.Y. Jan. 9, 1998), and its repeal does not require changing Local Civil Rule 83.10 procedures. Accordingly, Plaintiffs' request to exempt this case from Local Civil Rule 83.10 is DENIED. This case remains governed by the Southern District of New York's Plan for Certain Section 1983 Cases against the City of New York ("Section 1983 Plan") [ECF #8].

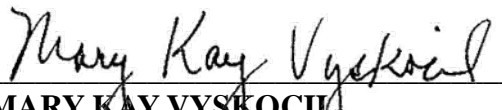
In an Order dated September 17, 2020, the Court scheduled an Initial Pretrial Conference to take place on October 29, 2020 [ECF #42]. The scheduling of that conference was in error, and the Court apologizes for any confusion that error caused with respect to the Court's position on Plaintiffs' request to exempt this case from the Local Civil Rule 83.10. Thus, Defendants'

request to adjourn the Initial Pretrial Conference until after the parties participate in mediation, in accordance with the Plan, is GRANTED [ECF #43]. The Initial Pretrial Conference shall take place on December 17, 2020 at 12:00 PM.

Finally, the Court is in receipt of a letter from defense counsel, dated August 11, 2020, requesting that the Court strike from the record a letter from Plaintiffs' counsel, dated August 10, 2020, regarding their communications about service of process. That request is DENIED.

SO ORDERED.

**Date: October 9, 2020
New York, NY**


MARY KAY VYSKOCIL
United States District Judge